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July 22, 1997

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

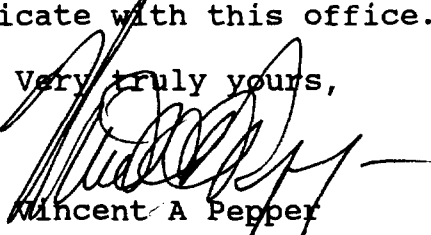
Re: MM Docket No. 97-130  
RM-8751

Dear Mr. Caton:

Transmitted herewith on behalf of Gillbro Communications Limited Partnership, the licensee of Radio Station KTWA(FM), Ottumwa, Iowa, is an original and four (4) copies of its Reply Comments concerning the above-referenced Notice of Proposed Rulemaking.

Should any further information be desired in connection with this matter, please communicate with this office.

Very truly yours,

  
Vincent A. Pepper

Enclosures (5)

cc: Sharon P. McDonald, Esq. - FCC (w/encl)  
Dawn M. Sciarrino, Esq. (w/encl)  
Donald E. Ward, Esq. (w/encl)

Noted  
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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C. 20554

RECEIVED

JUL 23 1997

In the Matter of	)	
	)	
Amendment of § 73.202(b)	)	Docket No. 97-130
Table of Allotments	)	
FM Broadcast Stations	)	RM-8751
(Galesburg, Illinois)	)	

To: Chief, Allocations Branch

**REPLY COMMENTS OF GILLBRO COMMUNICATIONS LIMITED PARTNERSHIP**

COMES NOW, Gillbro Communications Limited Partnership ("Gillbro"), the licensee of Radio Station KTWA(FM), Ottumwa, Iowa, by its attorneys and hereby respectfully submits its Reply Comments with reference to the Comments filed by Galesburg Broadcasting Company. In support thereof, the following is stated:

As stated in the Comments filed on behalf of Gillbro on July 7, 1997, Gillbro will provide the engineering data on the comparative attributes of its upgrade proposal once requested to do so by the Commission, as indicated at paragraph 4 and footnote 1 of the NPRM.

Galesburg, however, has raised two questions which merit answer. Galesburg suggests that Gillbro has been "warehousing" spectrum because it received a Class C3 construction permit on February 26, 1991, notified the Commission on August 18, 1992, that it would not construct the facilities and did not react to the Commission's letter of September 23, 1993, by either refileing for a Class C3 construction permit or a modification of its license to downgrade to a Class A.

The reason for this is very simply that Gillbro was not under the control of George N. Gillett, Jr., its general partner, for most of the time involved. The reason why the Commission was notified on August 18, 1992, that it would not construct the C3 facilities is because Chapter 7 bankruptcy was filed in the United States Bankruptcy Court for the District of Colorado on behalf of George N. Gillett, Jr. (Case No. 92-20259PAC) and on August 14, 1992, a trustee, Clifford E. Eley, was appointed as trustee of the estate of George N. Gillett, Jr. Pursuant to that appointment, on August 20, 1992, an appropriate application (FCC Form 316) was filed with the Commission transferring control of Gillbro from George N. Gillett, Jr. to Mr. Eley, as trustee.

On March 17, 1995, an application (File No. BTCH-950317EB) was filed with the Commission to transfer control of Gillbro from Clifford E. Eley, trustee, to George N. Gillett, Jr., which application was granted by the Commission on May 15, 1995, and closed on November 14, 1995, as the Commission was advised.

Therefore, from the August 14, 1992 appointment of Mr. Eley as trustee to the November 14, 1995 closing, Gillbro was an asset under protection of the bankruptcy laws and certainly cannot be accused of "warehousing" frequencies.

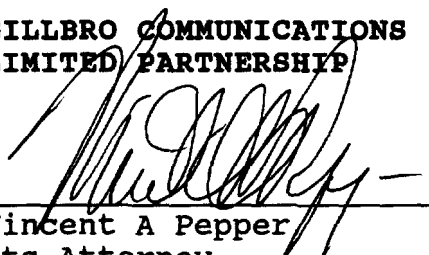
The second statement meriting response is found in footnote 3 of the Galesburg Comments, wherein Galesburg notes what obviously is an inaccuracy that the 1990 Gillbro C3 application reflected service to 71,850 persons whereas the 1996 C2 application, covering considerably more land, reflected service

to only 59,171 persons. This obvious error caused Gillbro's consulting engineer to re-examine the population counts involved. Attached hereto is an engineering statement of July 18, 1997, by Neil M. Smith of Smith and Fisher, consulting engineers to Gillbro, pointing out that it appears that the census data being used by Dataworld, Inc., for some reason excluded the population of Wapello County in which Ottumwa is situated. This statement indicates that the correct population figures for the C2 application are 94,308 persons in the same 6,114 square kilometer area, which is a gain over the C3 application of 22,458 persons. The pending C2 application is being corrected by separate amendment to reflect this same information.

As indicated above, Gillbro will provide the engineering data on the comparative attributes of its upgrade proposal once requested to do so by the Commission.

Respectfully submitted,

**GILLBRO COMMUNICATIONS  
LIMITED PARTNERSHIP**



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Vincent A Pepper  
Its Attorney

Pepper & Corazzini, L.L.P.  
1776 K Street, N.W.  
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(202) 296-0600

July 22, 1997

## ENGINEERING STATEMENT

The engineering data contained here in have been prepared on behalf of GILBRO COMMUNICATIONS LILIMITED PARTNERSHIP, Licensee of KTWA (FM), Ottumwa, Iowa, in support of its amendment to its pending application specifying a change from Class A to Class C-2 operation (BPH-960322IC).

It has come to our attention that the application contains an error, in that the population within the proposed 60 db $\mu$  contour was shown as 59,171. This figure came from a computerized population study using the Dataworld, Inc., on-line service. Since, in retrospect, the figure seemed low, we recounted the population "by hand" rather than by computer. By this method, we arrive at an entirely different population figure, although the area figure is virtually identical.

While we cannot say it with assurance, it appears that the discrepancy involves a problem in the census data base that causes Wapello County, in which Ottumwa is situated, to be entirely excluded from the population count. This computer error of some 35,000 persons is enough to resolve the problem by itself.

Considering this difficulty, it is believed prudent to avoid the computer data completely in this instance. We therefore provide as a correction to the application, a 60 db $\mu$  contour population of 94,308 and an area of 6,114 square kilometers (2,361 square miles). The population figure is based on the 1990 U. S. Census, with uniform population distribution

assumed within minor civil divisions, and the area figures were established by polar planimeter, taking into account the appropriate map scale value.

I declare under penalty of perjury that the foregoing statements and the attached Engineering Report, which was prepared by me or under my immediate supervision, are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, consisting of a stylized 'N' followed by a horizontal line.

NEIL M. SMITH

July 18, 1997

CERTIFICATE OF SERVICE

I, Lisa A. Skoritoski, a secretary in the law firm of Pepper & Corazzini, L.L.P., do hereby certify that on this 22nd day of July, 1997, copies of the foregoing Reply Comments of Gillbro Communications Limited Partnership were mailed, postage prepaid, to the following:

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& Zaragoza, L.L.P.  
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Sharon P. McDonald, Esq.                      \*  
Mass Media Bureau  
Allocations Branch  
Federal Communications Commission  
2000 M Street, NW  
Room 569  
Washington, DC 20554

\*Indicates Hand Delivery

  
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Lisa A. Skoritoski